

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:21cr178-MHT
)	(WO)
MARQUIS CORDEION WHITE)	

ORDER

Based on the representations made on the record on August 24, 2021, and for the reasons set forth below, the court finds that the jury selection and trial for defendant Marquis Cordeion White, now set for September 13, 2021, should be continued pursuant to 18 U.S.C. § 3161.

While the granting of a continuance is left to the sound discretion of the trial judge, *see United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or

from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and White in a speedy trial. First, there has been the evolving threat, over the last year or so, to public health and safety posed by the Coronavirus pandemic, *see* In Re: COVID-19, 2:20-mc-3910-ECM, Doc. 2 (March 17, 2020); In Re: Criminal Proceedings by Video or Audio Conference, 2:20-mc-3910-ECM, Doc. 15 (June 9, 2021). Second, there is the recent and alarming spread of the highly transmissible and potentially deadly Delta variant in

the Middle District of Alabama. More particularly, throughout Alabama, low rates of vaccination have resulted in very high rates of transmission and an overwhelming challenge to the healthcare system. The court finds that convening a jury pool for a trial in September 2021 would pose an unacceptably high risk to the health and safety of the jury pool, court staff, and all other participants in the trial. The government agrees to a continuance. The court concludes that a continuance of jury selection and trial is necessary to ensure the safety of all.

Accordingly, it is ORDERED that the jury selection and trial for defendant Marquis Cordeion White, now set for September 13, 2021, are reset for October 25, 2021, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama, with all deadlines tied to these dates adjusted accordingly.

DONE, this the 24th day of August, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE